

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

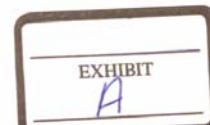
UNITED STATES OF AMERICA	*	
	*	DOCKET NO. 1:05-cr-1067 KMK
v.	*	
	*	JUDGE KARAS
STEVEN EARL RIDDICK,	*	
	*	
Defendant.	*	

AFFIDAVIT OF HUNTER W. SIMS, JR.

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to wit:

HUNTER W. SIMS, JR., being first duly sworn, upon penalty of perjury, and in accordance with law, deposes and says:

1. My name is Hunter W. Sims, Jr. I am an attorney licensed to practice law in the State of Virginia and in Federal Courts in Virginia. I am a partner at the law firm of Kaufman & Canoles, 150 West Main Street, Suite 2100, Norfolk, Virginia. In July 2007, I will have practiced law for 35 years.
2. My education background is that I earned my undergraduate degree from the University of Virginia in 1967 and my law degree from the University of Richmond in 1971.
3. From 1971 through 1972, I served as law clerk for United States District Judge Walter E. Hoffman in the United States District Court in Norfolk, Virginia.
4. From 1972 through 1975 I served as an Assistant United States Attorney in Norfolk, Virginia.
5. Since 1975 I have been in private practice in Norfolk, Virginia with Kaufman & Canoles, P.C. or its predecessor. I am a trial attorney and have tried many civil and criminal cases in the federal and state courts in Virginia. I have also argued a number of cases in the United States Court of Appeals for the Fourth Circuit and the Supreme Court of Virginia. A copy of my resume is attached.
6. In June 2005, I was contacted by Abe J. Kalfus, an attorney in the Norfolk, Virginia area. Mr. Kalfus referred me a client, Steve Riddick. I did not know Mr. Riddick.



7. On June 20, 2005, I personally met with Mr. Riddick in regard to two checks in the amounts of \$375,000.00 and \$450,000.00 that had been deposited in local banks in April and May 2005.

8. I reviewed correspondence from a "Fraud Investigation Manager" at a local bank where one of the checks had been deposited who stated that the bank was investigating the account and the account should not be utilized until the investigation was completed.

9. Based on the check amounts and the bank's investigation, I contacted the United States Attorney's Office in Norfolk, Virginia, by telephone on behalf of Steve Riddick, individually, and on behalf of his business, Steve Riddick Sports Training, Inc. and inquired as to whether there was an ongoing criminal investigation into these checks. On June 21, 2005, I spoke with Michael Smithers who, at the time, was the Supervisor of the Criminal Section of the U.S. Attorney's Office in Norfolk, Virginia, and with Robert Krask, an Assistant United States Attorney in Norfolk. Mr. Krask advised me that there was an active investigation which involved the two checks and Mr. Riddick and his business, Steve Riddick Sports Training, Inc., and that he (Mr. Krask) was scheduled to meet the next day with a FBI agent about the case.

10. On June 29, 2005, I sent the attached letter to Mr. Krask at the U.S. Attorney's office in Norfolk and advised him "Please note me as counsel for Steve Riddick Sports Training, Inc. and Steve Riddick with respect to your investigation."

11. At all relevant times and to date, I have never been contacted by anyone from the U.S. Attorney's office in Norfolk, Virginia regarding Steven Riddick. After Mr. Riddick was arrested in Arkansas on February 9, 2006, I had a brief telephone conversation on February 13, 2006 with Dayna Perry, an Assistant United States Attorney in the Southern District of New York, regarding Mr. Riddick's initial appearance on February 14, 2006 in the Southern District of New York.

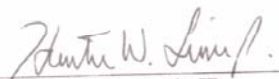
12. From June 20, 2005, I represented Mr. Riddick, individually, and Steve Riddick Sports Training, Inc., until Mr. Riddick retained Brian Hoss on or after February 13, 2006 to assist him with the pending criminal matter.

13. Based upon my telephone call with AUSA Krask and my letter, the Government knew or should have known that I represented Mr. Riddick in regard to the two checks that were deposited. Those checks were the subject of the pending criminal investigation that I was advised about in June 2005.

14. Had any government attorney or law enforcement official contacted my office between June 29, 2005 and February 9, 2006, the date Mr. Riddick purportedly gave a statement to law enforcement, I would have advised them that I represented Mr. Riddick in regard to the checks that had been deposited and that the Government should not communicate directly with Mr. Riddick.

15. Since I was on record as counsel for Mr. Riddick, I was surprised to learn that the Government had interviewed Mr. Riddick without my knowledge or consent after he was arrested in Arkansas in February 2006.

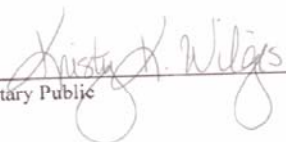
FURTHER THE AFFIANT SAYETH NOT.


HUNTER W. SIMS, JR.

The foregoing instrument was acknowledged before me in Norfolk, Virginia, this 26 day of March 2007, by Hunter W. Sims, Jr. He ☒ is personally known to me or ☐ has produced _____ as identification.



My Commission Expires: 10/31/08


Notary Public

1202009

KAUFMAN & CANOLES

A Professional Corporation
Attorneys and Counselors at Law

HUNTER W. SIMS, JR.

AREAS OF FIRM PRACTICE

Litigation: Extensive experience in federal and state courts in civil and criminal trials including representing clients in complex business litigation, antitrust and securities litigation, legal malpractice, libel and slander, and white-collar criminal defense matters.



PROFESSIONAL EXPERIENCE

Law Clerk to Chief Judge Walter E. Hoffman, U.S. District Court for the Eastern District of Virginia, 1971-1972; Assistant U.S. Attorney, Eastern District of Virginia, 1972-1975; Kaufman & Canoles, P.C., 1975 - .

PROFESSIONAL MEMBERSHIPS

Fellow, American College of Trial Lawyers; Member, Virginia State Bar Committee on Lawyer Discipline, 1995-2002; Advisory Committee on Rules of Court of the Judicial Council of Virginia, 1998 - ; Member, Judicial Conference of the U.S. Fourth Circuit Court of Appeals; Fellow of the Virginia Law Foundation; Recipient of Virginia Beach Bar Association "Professionalism Award"; rated "AV" by Martindale-Hubbell; listed in Chambers USA's Client's Guide of America's Leading Lawyers for Business as one of the leading litigation attorneys in Virginia; listed continuously in the business litigation section of The Best Lawyers in America since 1993-1994; listed continuously in Who's Who in American Law since 1996-1997; selected by Virginia Business as one of the top trial lawyers in Virginia; Secretary, Norfolk and Portsmouth Bar Association, 1981-1986; Member, Executive Committee, Virginia Bar Association, 1990-1992; Secretary, Virginia Bar Association, 1992; Chairman, Board of Governors, Construction Law Section, 1984-1985 and Member, Board of Governors, Antitrust Law Section, 1988-1991, Virginia State Bar; Forum Committee on the Construction Industry, Antitrust Law Section, Litigation Section, Criminal Law Section, American Bar Association; Virginia Beach Bar Association; Member, l'Anson-Hoffman American Inns of Court, 1987-2001

OTHER AFFILIATIONS

Member, Board of Trustees, Virginia Aquarium, 1993-2006

EDUCATION

University of Richmond, J.D., 1971; University of Virginia, B.S., 1967

ACADEMIC HONORS

Omicron Delta Kappa; McNeill Law Society

www.kaufmanandcanoles.com

124 Johnston Road
Chesapeake, VA 23821
757/546-3806

1256 Cunningham Drive
Hampson, VA 23666
757/224-5900

1080 Canon Boulevard
Newport News, VA 23606
757/871-8300

150 West Main Street
Norfolk, VA 23510
757/624-1050

Three James Center
Richmond, VA 23219
804/771-5700

1101 Parks Avenue
Virginia Beach, VA 23451
757/491-4000

4801 Courthouse Street
Williamsburg, VA 23188
757/359-8100